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FILED
WILLIAMSPORT, PA

OCT 7 2002

MARY E. D'ANDREA, CLERK
Per lp DEPUTY CLERK

MANUEL RAMOS,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-00-1957
	:	(Jones, J.)
MARGARET HARDEN, Warden,	:	(Smyser, M.J.)
et al.,	:	
Defendants	:	

DEFENDANTS' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME

Defendants request the Court for a ten-day enlargement of time, pursuant to Fed. R. Civ. P. 6(b), in which to answer the amended complaint. Defendants state the following in support thereof:

1. Plaintiff is Manuel Ramos, an inmate formerly incarcerated at FCI Allenwood, USP Allenwood, and USP Lewisburg.
2. On November 13, 2000, Ramos filed an amended complaint under Bivens and the FTCA against the following federal employees: Margaret Harding, Warden, FCI Allenwood (retired); Dr. Migliorino, FCI Allenwood; Maximo Velasco, M.D., USP Lewisburg; and Anthony Bussanich, M.D., USP Lewisburg. Ramos seeks compensatory damages for injuries he incurred on March 26, 1997, while confined at FCI Allenwood, and for the lack of medical treatment thereof by medical staff at both FCI Allenwood and USP Lewisburg.

3. A motion to dismiss was filed on behalf of the federal defendants on May 20, 2002. A brief in support of the motion was filed on June 4, 2002.

4. By report dated July 19, 2002, Magistrate Judge Smyser recommended that the federal defendants' motion to dismiss be granted in part and denied in part. Additionally, it was recommended that the United States of America be substituted as the proper FTCA defendant.

5. In an order issued the same date, Magistrate Judge Smyser conditionally granted plaintiff's request for appointment of counsel. A request to the administrator of the panel of volunteer attorneys was made in order to determine whether an attorney would accept an appointment in this case.

6. On September 13, 2002, Attorney Andrew J. Ostrowski entered his appearance as counsel for plaintiff.

7. By Order dated September 26, 2002, the Report and Recommendation was adopted by Judge Jones. As a result, the Bivens claims against all the federal defendants in their official capacities were dismissed; the Bivens claims against only defendants "Harden" and "McGlori" individually were dismissed; the FTCA claims against the individual defendants were dismissed; and, the United States was substituted as the proper FTCA defendant. The remainder of the federal defendants' motion

to dismiss was denied and the case was remanded to Magistrate Judge Smyser for further proceedings.

8. On October 4, 2002, the Court scheduled a case management conference to be conducted in Chambers on November 22, 2002.

9. In light of the Court's ruling on defendants' dispositive motion, an answer to the complaint is due on or before October 7, 2002. See Fed. R. Civ. P. 12(a)(4).

10. In order to specifically respond to all of Ramos' allegations in his 29-page amended complaint, the undersigned and agency counsel for the Bureau of Prisons will coordinate efforts to investigate and/or answer each of Ramos' claims. However, due to the number of allegations and differing workload considerations of counsel, defendants request a brief enlargement of time.

11. Accordingly, defendants request a 10-day enlargement of time in which to file their answer.

12. Defendants submit that plaintiff will not be prejudiced by this enlargement of time as the answer will be filed well in advance of the case management conference scheduled for November 22, 2002.

13. Counsel certifies that his Office contacted Attorney Ostrowski for his concurrence or nonconcurrence in this motion

pursuant to M.D. Pa. Local Rule 7.1. Attorney Ostrowski concurs in the enlargement of time.

WHEREFORE, on behalf of defendants, and with the concurrence of plaintiff, the United States Attorney's Office requests a ten-day enlargement of time until October 17, 2002, to answer the allegations of the amended complaint.

Respectfully submitted,

THOMAS A. MARINO
United States Attorney

A handwritten signature in black ink, reading "Matthew E. Haggerty". The signature is written in a cursive style with a large, stylized "M" and "H".

MATTHEW E. HAGGERTY
Assistant U.S. Attorney
MICHELE E. LINCALIS
Paralegal Specialist
316 Federal Building
240 West Third Street
Williamsport, PA 17703
570/326-1935

Date: October 7, 2002

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MANUEL RAMOS,	:
Plaintiff	:
	:
v.	: Civil No. 1:CV-00-1957
	: (Jones, J.)
MARGARET HARDEN, Warden,	: (Smyser, M.J.)
et al.,	:
Defendants	:

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on October 7, 2002, she served a copy of the attached

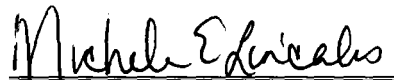
DEFENDANTS' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Andrew J. Ostrowski, Esquire
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4311 North Sixth Street
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Kingston, PA 18704



MICHELE E. LINCALIS
Paralegal Specialist

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MANUEL RAMOS,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-00-1957
	:	(Jones, J.)
MARGARET HARDEN, Warden,	:	(Smyser, M.J.)
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Defendants	:	

O R D E R

NOW, this _____ day of _____, 2002, IT IS
HEREBY ORDERED that the time in which the federal defendants may
answer plaintiff's complaint pursuant to Fed. R. Civ. P. 12(a)(4)
is enlarged to on or before October 7, 2002.

J. ANDREW SMYSER
United States Magistrate Judge